UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1999/27
25 January 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 9 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Cooperation with representatives of United Nations human rights bodies

Report of the Secretary-General submitted in accordance with Commission on Human Rights resolution 1998/66

GE.99-10349 (E)

Introduction

1. In its resolution 1998/66 the Commission on Human Rights reiterated its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies. The Commission also expressed concern at reports about incidents where private individuals had been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms. The Commission invited the Secretary-General to submit to the Commission at its fifty-fifth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those referred to in the resolution. The present report is submitted in accordance with that invitation.

ALLEGATIONS OF INTIMIDATION AND REPRISALS RECEIVED PURSUANT TO COMMISSION ON HUMAN RIGHTS RESOLUTION 1998/66 AND ACTION TAKEN BY REPRESENTATIVES OF HUMAN RIGHTS BODIES

2. The following is a summary of information gathered pursuant to resolution 1998/66, describing situations in which persons have reportedly been intimidated or suffered reprisals for having cooperated with United Nations human rights bodies, availed themselves of international procedures, provided legal assistance for this purpose, and/or for being relatives of victims of human rights violations. In some cases where the victims, whether individuals or organizations, had been in contact with one of the bodies or mechanisms of the Commission on Human Rights, action was taken for their protection by the pertinent body or the representative of the relevant mandate of the Commission. In most of these cases urgent communications were addressed to the Government concerned. The prompt intervention procedure is described in a previous report to the Commission (E/CN.4/1992/29, paras. 14-18). It should be noted that some of the information included in this report is also reflected in the latest reports presented by each mechanism to the General Assembly or the Commission on Human Rights.

3. The reported acts of reprisal ranged from threats and arbitrary arrests to ill-treatment or torture in detention. One case of an alleged arbitrary execution was also reported. The alleged victims of these abuses were private individuals or members of non-governmental organizations which were, or had been, sources of information about human rights violations for United Nations human rights bodies. There are also continuing and disturbing allegations of cases where persons who personally met with representatives of United Nations human rights bodies subsequently suffered reprisals for having done so.

Special Rapporteur on extrajudicial, summary or arbitrary executions (see E/CN.4/1999/39)

4. In her last report to the Commission the Special Rapporteur expressed her deep concern over continuing reports of threats and violence against human rights activists and defenders in various countries in the world. The Special Rapporteur was particularly appalled by reports from Colombia and Guatemala. She stated that in these countries "human rights defenders seem to be one of

the target groups for extrajudicial, summary or arbitrary executions", and that "measures aimed at their protection seem ineffective" (E/CN.4/1999/39, para. 42). Many of the human rights activists and groups concerned have, either directly or indirectly, been in contact with various United Nations human rights mechanisms.

5. During the present reporting period the Special Rapporteur intervened on behalf of two persons who had cooperated with representatives of United Nations human rights bodies and who had received death threats. In the cases described below, the Special Rapporteur requested the Governments concerned to take all the necessary measures to protect the right to life and physical integrity of the persons at risk.

Peru

6. On 13 May 1998, the Special Rapporteur sent an urgent appeal to the Government of Peru on behalf of Mr. Heriberto Benítez Rivas, a human rights lawyer from Lima, who reportedly received several death threats in the spring of 1998 in connection with his work as a human rights defender. Mr. Benítez had also given information to the United Nations regarding death threats received by a former member of the Constitutional Court in Peru.

Indonesia

7. On 12 January 1999, the Special Rapporteur sent an urgent appeal to the Government of Indonesia on behalf of Ms. Ita F. Nadia, a human rights activist in Jakarta, following reports that she had received anonymous telephone calls threatening the safety of her children, because of the assistance she provided to Ms. Radhika Coomaraswamy, the Special Rapporteur of the Commission on Human Rights on violence against women, during her visit to Indonesia in November and December 1998.

Working Group on Arbitrary Detention
(see E/CN.4/1999/63)

China

8. During the visit of the Working Group to Drapchi prison in Lhasa on 11 October 1997, an inmate in a pavilion visited by the Group shouted slogans in favour of the Dalai Lama. After having spoken to this inmate, the Group asked the Chinese authorities for assurances that the inmate would not suffer any reprisals as a result of this act. These assurances were given, including by the Director-General of the Department for International Organizations and Conferences. However, prior to the fifty-fourth session of the Commission on Human Rights, the Group was informed that the person in question and other inmates had been beaten and subjected to intense interrogation after the Working Group's visit to the prison. In a letter of 25 March 1998 to the Chinese Government, the Chairman of the Working Group requested clarification of these allegations. On 1 April 1998, the Chinese authorities replied that neither the persons mentioned above nor any other inmate at Drapchi prison had suffered reprisals as a result of the Working Group's visit.

9. After having received additional information submitted in corroboration of the earlier allegations of ill-treatment, on 27 July 1998, the Chairman of the Working Group requested further clarification from the Chinese authorities

regarding these allegations. On 17 September the Chinese authorities replied to the Chairman's request reaffirming that no inmates had suffered reprisals as a result of the visit to Drapchi prison, adding, however, that the inmate in question and two others had committed new offences, for which they had been referred to the Intermediate People's Court in Lhasa for trail. The Court had decided to extend the sentences of these three persons. On 18 September the Working Group requested the Chinese authorities to provide specific information regarding the new offences for which the three inmates had received extended prison sentences. By the end of its twenty-third session (4 December 1998), the Working Group had not received a response to this request.

10. On 13 January 1999, the Chairman of the Working Group sent an urgent appeal to the Government of China regarding the reported detention of two monks from Drepung monastery in Tibet, Ngawang Kyonmed and Samdrul. According to information received by the Working Group, the two monks were arrested on suspicion of having prepared a letter addressed to the United Nations High Commissioner for Human Rights, during her visit to Tibet in September 1998. The letter, which never reached the High Commissioner, reportedly expressed concern about the detention of the Panchen Lama, and is said to have included references to protests by detainees at Drapchi prison in Lhasa on 1 and 4 May 1998, in which several prisoners allegedly lost their lives. The whereabouts of the two monks from Drepung monastery were still unknown at the time of writing.

Viet Nam

11. As noted in last year's report to the Commission (E/CN.4/1998/57), on 15 August 1995, Ngoc An Phan (religious name Thich Khong Tanh), a Buddhist monk, was sentenced to five years' imprisonment after having been found guilty on several charges, including that of "communicating material abroad". He was reportedly detained on 6 November 1994 and accused of, inter alia, having provided information to the Chairman of the Working Group during his visit to Viet Nam in October 1994. In later communications the Government of Viet Nam denied that Thich Khong Tanh's conviction was in any way related to his contacts with the Working Group. During his recent visit to Viet Nam, the Special Rapporteur on religious intolerance had the opportunity to speak with Thich Khong Tanh. During their discussion Thich Khong Tanh confirmed that he had indeed been convicted because of his religious beliefs and for having provided information to the Working Group.

Special Rapporteur on the question of torture
(see E/CN.4/1999/61)

Viet Nam

12. The Special Rapporteur has been informed that in October 1994, Thich Nhat Ban, a Buddhist monk, was arrested on charges of "undermining religious solidarity" for his involvement with a Unified Buddhist Church of Viet Nam rescue mission to help flood victims. While serving his four-year sentence in 1996, Thich Nhat Ban signed a petition condemning abusive practices in his prison camp, including torture and other forms of ill-treatment. In order to repress this peaceful protest several prisoners, including Thich Nhat Ban, were allegedly severely beaten, shackled and placed in punishment cells. It was further reported that as an additional punishment, he and the other

inmates were given less food and were forced to carry out particularly heavy chores. It is reported that this punishment was inflicted after a copy of their petition was smuggled out of the country and submitted by a non-governmental organization to the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Special Rapporteur on religious intolerance
(see E/CN.4/1999/58)

China

13. During his visit to China in 1995, the Special Rapporteur met and talked with Yulo Dawa Tsering, a Tibetan monk. Despite the assurances of the Chinese authorities that Yulo Dawa Tsering would not suffer reprisals because of this discussion, he was reportedly detained after the Special Rapporteur's visit. In response to an urgent appeal sent by the Special Rapporteur regarding the alleged detention of Yulo Dawa Tsering, the Chinese authorities stated that the monk had been conditionally released for good conduct on 6 November 1994, after having been sentenced to 10 years' imprisonment for having taken part in uprisings, and that he had enjoyed all the civil rights set forth in the Chinese Constitution since the end of the period of conditional release on 15 December 1995. In 1998 the Special Rapporteur sent a communication to the Chinese authorities bringing to their attention allegations that Yulo Dawa Tsering was being kept under police surveillance and that he was not allowed to live in his monastery in Ganden nor to attend his university classes in Lhasa.

Viet Nam

14. Following his visit to Viet Nam in 1998, the Special Rapporteur received allegations from non-governmental sources that several persons who had wished to meet him had been prevented from doing so by the authorities. It was, for instance, reported that private meetings with representatives of the cao dai, hoa hao and khmer krom communities could not take place due to pressure and interference from the authorities.

Office of the High Commissioner for Human Rights, Bujumbura

15. On 18 December 1998, human rights monitors of the office of the High Commissioner for Human Rights in Bujumbura went to the region of Mubone to investigate alleged human rights violations attributed to members of the army. While in Mubone the monitors spoke to a number of witnesses, among them Mr. Dionise Ndayizeye. On 6 January 1999, the Bujumbura office received allegations that Mr. Ndayizeye had been killed by the military because of his contacts with the monitors. The office raised these allegations in a meeting with the Minister for Human Rights in Bujumbura, after which a joint mission of the office and the Ministry was sent to the region to try to clarify the matter. On 7 January the joint team met with the local military and civilian authorities in Mubone. In a discussion with the office the heads of the Zone and Sector of Mubone acknowledged that Mr. Ndayizeye had been arrested by the military, but that he had subsequently been released and that his present whereabouts were unknown to the authorities.